P. F. 21 of 94

G. R. S. IX-5]

Previous references. 1893-94 ~~191~~ (L. R.)

File No. 97 of 93

Serial Nos. 1 to 6

Later references.

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1 to 6.

M ~~Part~~ B for July 1894

SUBJECT.

Appeal of Babe Gowda, Sollebail, Kosoka Taluk regarding the transfer of Patta of certain lands in Kolur.

W D 1250—GPB—30,000—23-1-19

Indexed

Communicated

(4)

Petition no 1634 of 1893-94

(6)

Petitioner:— Babegonda
of Sollebail, Koppa
represented by Mr K. S. Narasimhiengar, Pleader
Counter Petitioner:— Mallappa Gowda

× Survey numbers 89 and 92 of Kolur were in the Khata of Petitioner's father Puttanna. Of these S. no 89 was in the possession of one Kavali Machanna a Kisandar.

In 1881, ~~Cadastral~~ S. no 92 was sold for arrears of revenue due by Puttanna, and was purchased by the said Kavali Machanna, who in 1882 conveyed the two lands to one Abdul Rahiman who, ~~in~~, conveyed them to the Counter Petitioner in 1886. ~~But during all~~

~~this~~ this time, the two lands remained in the Khata of Puttanna on whose death in 1890-91, they were transferred to the Khata of his son, the Petitioner —

× no 89 Wet — Extent 6-16 acres Assmt. Rs 14
no 92 Garden 5-36 acres Rs 103

Vide Amildar's report of 15.1.94

Vide Survey No. 1 of 13.6.1881
& Amildar's Report No 850 of 15.1.94

Vide registered Sale-deeds
of 27.9.82 & 28.8.86.

Vide Dy Comm's report.

On 7th January 1891, the Counter Petitioner registered the transfer of the lands in his Khata, and the Dy Commr, after enquiry at the time of Jamabandy, ordered the two lands to be transferred to the Counter Petitioner's Khata

Vide order 3 dt. 11. 93.

The Petitioner appeals against the above order.

At the hearing
24/5. Advt admitted that
he was not in possession
of the lands & simply
contended that as the
Pulla stood in his name,
it should not be
transferred to
another without his
consent. Her plea
is inadmissible &
the appeal is dismissed

sd
30/6/94

Petr is informed
that his appeal
has been dismissed
sd

Draft
28/3/7

Drafted
19/7/1897

(General Serial No. 32.)

1893.

No. 1634 Rep

Name of Petitioner. Bellary Gowd

Village. Sollakil

Taluk. Koppa

District. Kadur

Date of Arzi. 30th Decr/93

Date of Receipt. 31-12-93

Date of Disposal.

No. of Enclosures. One Vakil: Pap for Rupees two only

L.R 97-93-1

ABSTRACT.

Complaining that the Deputy Commissioner Kadur District has, during Jamabundy time, transferred petitioner's property in the name of One Nallathambi and requesting that the said order may be held in abeyance pending disposal of the appeal to Government

Code Class. D. Patchy 1634, Ex

INDIAN TELEGRAPHS.

Monthly Number.

To (Office) Bangalore C.

From (Office) Calicut Dc.

Words.	Day.	Hour.	Minute.	Official Instructions.
68.	30	16	45	

To (Person) Asst Commissioner Bangalore

From (Person) Asst Commissioner Calicut

Kurkal Commissioner has died My property as Surgeon Mallappa could during his journey I asked Kurkal Copy in order to depend again I had letter Circumstances to give Kurkal therefore I kindly request you to come with order similar Kurkal not to Interfere with my land until my appeal case settled reply paid

Rcvd. from LN. At Hrs. Mts. by

Sent to LN. At Hrs. Mts. by

Telegraph Master.

82 Word Form.

C. S. P. Co.—No. 363 T—3-3 98—20,00,000.

BANGALORE 30-12-98

Rev
9 24.

MYSORE DEWAN'S OFFICE,

PETITION DEPARTMENT.

OFFICIAL MEMORANDUM.

(4)

The accompanying ~~Petition~~ Copy of a telegram Regd No. 1634, dated 30th Dec 1893 received at the Dewan's Office from Bobay-gowda of Sollébile, Hoppa Taluk Complaining of the transfer of his property in the name of one Mallappagowda during Jamabundy time, is forwarded, ~~together with its enclosures,~~ to the Deputy Commr Kadur District, with a request that he will hold the said order in abeyance and submit the proceedings of the Case at an early date —

L R 97-93-3

By Order,

Draft

Chief Secretary.

BANGALORE, 2/4
Jan 1894.

2 drafts

MK

M. G. C. P. Bangalore.—21-11-92—3,000.

No. 1634

MYSORE DEWAN'S OFFICE,
PETITION DEPARTMENT,
2/4 Jan 4 1894 (3)

Endorsement granted to Babay, Gowda of Sollebile, Koppa Taluk

in reply to his ~~Petition Registered No~~, telegram dated 30th December/93.

Petitioner is informed that the Deputy Commissioner, Kadur District, has been asked to hold in abeyance the order transferring his property in the name of one Mallappa Gowda, pending disposal of the present appeal to Govt.

L.R 97-93-2

2 The Jud: Reply Paper for Rs 2/- is herewith returned.

"By Order"

Draft

Chief Secretary.

mk.

2 drafts

Mysore Govt. Central Press, Bangalore.—9-2-93—2000.

No. 430

Deputy Commrs Office
Kadur District
Dated Camp Sampigekan 11 Feby
94.

(5)

From,

The Dy Commissioner
Kadur Dist

To,

The Chief Secretary to the
Government of Mysore

Sir,

With reference to your Memo No Petition 924 of the 21st January 1894, calling for the proceedings on the tele-gram received from one Bobay Gowda of the Sollebile village in the Koppa Taluk, Complaining against my order transferring his landed property to the name of one Mallappa Gowda during this year's Jamabandi time, I have the honor to submit the Proceedings (with a parish) of the case, with a brief history as to how the subject-matter stands.

The marginally noted lands, which I ordered on 22nd November 93

Survey No 89	A. G. Assett. 6.16 - Rs 18 wet.	
do	92 - 5.36 - 103 garden	
	of the Sollebail village	

to be transferred to the enjoyer Mallappa
Gowda's name. ——— original-
ly stood in the name of Poottanna the
father of Bobay Gowda, the present Appel-
lant.

Poottanna having fallen into ar-
rears of Kandayam in the year 1880-81,
four of his lands were sold in public
auction on 13th May 1881. Of these four
lands - Survey No 92. garden - (originally
bearing No 10) was purchased by one Kow:
Li Manjanna who was a shaver (hinadar)
with Poottanna and others in No 89.

By some inadvertence Survey No
92 purchased by Manjanna, instead of
being registered in the purchaser's name,
continued to be in the Khata of Poottanna
(the original Wargdar) till 1890-91 when,
owing to the demise of Poottanna, his land-
ed property was transferred to the Warg
of Bobay Gowda, the present Appellant,
and in whose name the 2 lands in ques-
tion remained till this year's Jama-
bandi.

Between the years 1881-82 and 1890-
91 two private sales took place. On 27th
September 1882 the Revenue purchaser
Kowli Manjanna sold his house, Sur-
vey No 92 Bagayet, and his share in Sur-
vey

924

(General Serial No. 30.) 12793.

1894

P. 571

From

The Deputy Commissioner

Madras Division

5

To

The Chief Secretary to the Dewan of Mysore.

Dated 7th February 1894

Despatched 8th

Received

Enclosures No. and Subject

General No. 30 1893-94

No.

Submitting proceedings with a petition on the complaint of Bathey Syed of Kolarpet, Kaveripatam Taluk in re the transfer of his property in the name of one Muthayya Gounda during Jamabandi time.

Petn Pl. 19/MAR

L.R. 97-93-4

Submitted for orders.

There is no appeal pending in the case. It is however necessary to be permitted with a copies of Bathey's petitions applied for in Para. The application is not to proceedings and as the petitioner is entitled to certified copies of petitions and petitioners applied for, the Collector should be directed to furnish the copies applied for.

The appeal is filed & it is a question for consideration whether trial under Regn. XII of 1802 should be ordered.

[illegible]

Fix a date for hearing & give notice to both parties

[illegible]

6/3/1894

Letter to Collector -

Copy of petition and application - Return to be filed.

ing Rs 80 for Rs 100. to a Shopkeeper by name Abdul Rahiman Sab residing at Gollahalli. On 28th August 1880 the said Abdul Rahiman Sab executed the said 3 Kraheetis for Rs 203. to Mallappa Gowda the Appellant's uncle who had produced a registered sale deed together with a similar registered deed executed by the former purchaser Shopkeeper Abdul Rahiman Sab.

On the authority of these 2 deeds, Mallappa Gowda stated in his petition dated January 1891 that he being the actual enjoyer of the 3 lands in question they should be registered in his name, and added that after he came into possession of these 3 lands, he got survey No 92 phoded as noted in the margin; and

	A. G.	Assk.
Kaiki No. 1	0.19	Rs 31.
" 2	1.17	" 30/
" 3	1.10	" 38/
Total	3.36	" 103

that as he was already getting Kaiki No 3 thereof, assigned by his brother Puttanna in 1889. as only the other 2 Kaiki numbers ought to be registered in his name and not the whole of No 92.

The Amildar brought this case on the Special Nava Saldi List of this year, under the authority of Government Circular No $\frac{3098-135}{\text{Cir } 31}$ dated 3rd May 1892 direc-

ing

12

says that Bobay Gowda paid Kandayem
for ..... other lands, the Sur
vey numbers of which are not however
entered in the Khirasi. Bobay Gowda
to rebut the Shanbhôg's allegation,
stated he had no other land in this
village. The Shanbhôg in his defence
stated that the amount received from
Bobay Gowda was for lands in ano-
ther village owned by his aunt who
is a Co-sharer with him. Bobay Gow-
da has no Receipt book to see what
details it had and stated he never
had one. The case had therefore to be
decided on the documentary evidence
and on the ground of actual enjoy-
ment and accordingly Mallappa Gow
da's name was registered"

The Amildar's explanation for the de-
lay caused in furnishing the copy of
my order to the Appellant is not tenable,
for, if he wanted my orders before giving
the copy, he ought to have addressed
at once -

The copy of the Telegram received
with the memo under reply is herewith
re-transmitted -

I have the honor to be
Sir,

13

Your most obedient servant

H. H. Sparks

Dy Commissioner

Kadoka S.D.

ing registry of lands in the names of their actual possessors - and, recommended that survey Nos 89 and 93 be registered in the name of Mallappa Gowda on the ground of the appellant Bodey Gowda having had no actual enjoyment in them for upwards of 12 years -

On 22nd November 1893, Examiner of the parties concerned and passed the following orders:-

"As regards survey No 93:- "In 1831 survey No 93 was sold for arrears of revenue but owing to some mistake still continued to be in the name of Pattana the defaulter. The land has subsequently come into the possession of Mallappa Gowda by purchase and was holds the registered sale deed. The survey No 93 will be entered in the name of Mallappa Gowda and not in that of Bodey Gowda, Pattana's son, and in whose name it was transferred by mistake."

As regards survey No 89:- "Mallappa produced registered sale deed to show that he bought this survey number from Abdul Rahiman in 1880. Bodey Gowda claimed this land in consequence of his having paid Kandayam for it. The Standing Counsel denies this and says

Telegram

30-12-93 Regd No 1684.

From Deputy Comr of Southern Kanara
Talak.

To The Secretary Mysore Bangalore.

Deputy Commissioner has made my property in Bangalore liable for paid during his Jamabandy I asked materials copy in order to appeal against it but Taluk Cutcherry is delaying to give material therefore I humbly request your honor will order Amildar Kopla not to interfere with my land until my appeal case settled reply paid-

Sd G Rame
for Telegraph Master.

Copy"

K Krishnaswamy
Under Secretary

BR

Before the Government of *His Highness* the Maharaja of Mysore.

Petition
Appeal No. 434 of 1893-94

8

Petitioner
Appellant.

Vs.

Sonte Petitioner
Respondent.

Ratnagowda
of Lottebad
Kolar Taluk
represented by
Mr. K. T. Narasimhaiyangar
advocate.

Decision.

	Extent A. G.	Assessment R. A. P.
For 89 Survey	6 - 16	18 - 4
For 92 Survey	5 - 36	103 - 4

L. R. 97-98-5

Survey Numbers 89 and 92 of Lottebad were in the Khata of Petitioner's father Puttanna. Of these Survey No. 89 was in the possession of one Kavale Muchanna, a Mucadam.

2. In 1881, Survey No. 92 was sold for arrears of revenue due by Puttanna and was purchased by the said Kavale Muchanna who in 1882 conveyed both the two lands to one Abdul Rahiman who conveyed them to the Counter-Petitioner in 1886. But during all this time, the two lands remained

in

30-7-94

No. 1634

17

MYSORE DEWAN'S OFFICE,

PETITION DEPARTMENT,

23/30 July 1894

Endorsement granted to Babegowda of Lollebail Koppa Taluk

(7)

in reply to his ~~Petition~~ telegram Registered No. 1634 dated 30 Dec. 1893 appealing against the order of Commissioner transferring the patta of lands S. nos. 89 & 92 in Kolur to the name of one Challappa Gowda

Petitioner is informed that his appeal has been dismissed.

L.R. 97-93-6

"By Order"

Chief Secretary.

Redraft

Commr's

S.R. 17/7

M. G. C. P., Bangalore—6-3-94.—2000.

V.S. 19/7

on the death of Pitambar on whose death in 1890-91, they were transferred to the Khata of his son the Petitioner -

3. On 7th January 1891 the Counter Petitioner requested the transfer of the lands to his Khata, and the Dy. Commr., after inquiry at the time of Panchayat ordered the two lands be transferred to the Counter Petitioner's Khata.

4. The Petitioner appeals against the above order.

5. At the hearing, ~~defendant~~ appellant admitted that he was not in possession of the lands and simply contended that as the Patta stood in his name, it should not be transferred to another without his Consent. This plea is inadmissible and the appeal is dismissed

By order

Asst in the Dist Office 21/3/98

Extract copy prepared 23/3/98

Dy Commr

Loose Record. 23/7/94

Copy to the Dy. Commr. Ranchi for information with reference to his No. 423 dated 11th July 1894

Comml Offr 17/7

Dy Commr